

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:

EDWARD P. ADAMS,
Debtor.

Chapter 13
Case No. 19-12089 MSH

OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN

NOW COMES MTGLQ Investors, L.P. (hereinafter "MTGLQ") by and through its undersigned counsel, and hereby objects to the confirmation of the Debtor's Chapter 13 Plan filed on August 2, 2019 (Doc. No. 20) (hereinafter "Plan"). In support of its objection, MTGLQ respectfully states as follows:

1. On November 19, 2003, Edward P. Adams (hereinafter "Debtor") and Lucia M. Adams granted a mortgage to Old Colony Mortgage Corporation ("Old Colony"), on the real property located at 15 Andrew Drive, Pembroke, Massachusetts 02359, as recorded with the Plymouth County Registry of Deeds in Book 27088, Page 199 (hereinafter "Mortgage").
2. Old Colony assigned the Mortgage to CitiMortgage, Inc. ("Citi"), via Assignment of Mortgage recorded with the Plymouth County Registry of Deeds at Book 27088, Page 215. Citi subsequently assigned the Mortgage to Federal National Mortgage Association, via Assignment of Mortgage recorded with the Plymouth County Registry of Deeds at Book 46637, Page 191. Ultimately, the Mortgage was assigned to MTGLQ via Assignment of Mortgage recorded with the Plymouth County Registry of Deeds at Book 49560, Page 136.
3. The Mortgage secures a note given by Debtor and Lucia M. Adams to Old Colony Mortgage Corporation on November 19, 2003 in the amount of \$216,000.00 (hereinafter "Note").
4. On June 20, 2019, the Debtor filed a Chapter 13 bankruptcy petition in the United States Bankruptcy Court for the District of Massachusetts. On August 2, 2019, the Debtor filed his Plan.

5. Part 3(A)(1)(a) of the Plan provides for pre-petition arrears in the amount of \$43,706.00 to be paid to Selene Finance, current servicing agent for MTGLQ, on account of the Mortgage/Note.
6. Per MTGLQ's timely filed Proof of Claim (Claim No. 6), the amount of pre-petition arrearage on the Mortgage/Note is \$46,363.92 and the total secured claim as of the petition date was \$131,120.13.
7. Debtor's Plan cannot be confirmed because it violates 11 U.S.C. §1322 in that it does not propose to fully cure the pre-petition arrearage owed to MTGLQ.

WHEREFORE, MTGLQ respectfully requests that this Honorable Court:

1. Sustain MTGLQ's Objection to Confirmation of Debtor's Chapter 13 Plan;
2. Deny confirmation of Debtor's Chapter 13 Plan; and
3. Grant any such further relief as deemed just and proper.

Respectfully submitted,

MTGLQ Investors, L.P.

By its Attorney,

DATED: September 23, 2019

/s/ Megan O'Keefe Manzo
Megan O'Keefe Manzo, Esq.
BBO# 652522
Guaetta and Benson, LLC
P.O. Box 519
Chelmsford, MA 01824
(978) 250-0999-Tel
(978) 250-0979-Fax
bankruptcy@guaettalaw.com

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:

EDWARD P. ADAMS,
Debtor.

Chapter 13
Case No. 19-12089 MSH

CERTIFICATE OF SERVICE

I, Megan O'Keefe Manzo, Esq., as Attorney for MTGLQ Investors, L.P., hereby certify that I have this date served copies of the foregoing Objection to Confirmation of Debtor's Chapter 13 Plan in reference to the above-captioned case, by mailing same first class, postage prepaid (unless otherwise noted), upon the following parties:

Debtor
Edward P. Adams
15 Andrew Drive
Pembroke, MA 02359

Counsel for Debtor
Richard D. Smeloff, Esq. (VIA ECF)

Chapter 13 Trustee
Carolyn Bankowski, Esq. (VIA ECF)

Assistant U.S. Trustee
John Fitzgerald, Esq. (VIA ECF)

David Small, Esq. (VIA ECF)

DATED: September 23, 2019

/s/ Megan O'Keefe Manzo
Megan O'Keefe Manzo, Esq.